UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.109/1111
22 May 1992

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

GUAM

Working paper prepared by the Secretariat

CONTENTS

		Paragraphs	Page
I.	GENERAL	1 - 10	3
II.	CONSTITUTIONAL AND POLITICAL DEVELOPMENTS	11 - 42	4
	A. General	11 - 19	4
	B. Future political status	20 - 42	5
III.	ECONOMIC CONDITIONS	43 - 89	9
	A. General	43 - 48	9
	B. Public finance	49 - 53	10
	C. Land tenure	54 - 63	10
	D. Agriculture and fisheries	64 - 71	12
	E. Tourism	72 - 77	13
	F. Industry and commerce	78 - 82	14
	G. Transport and communications	83 - 89	14

92-21574 3376e (E) 270592 270592

/...

CONTENTS (continued)

		Paragraphs	Page
IV.	SOCIAL CONDITIONS	90 - 100	15
	A. Housing	90 - 92	15
	B. Public health	93 - 97	15
	C. Labour	98 - 99	16
	D. Law and order	100	16
V.	EDUCATIONAL CONDITIONS	101 - 105	17

GUAM 1/

I. GENERAL

1. Guam, a Non-Self-Governing Territory administered by the United States of America, is the southernmost and largest island of the Mariana archipelago. The island is 48 kilometres long, ranges from 8 to 14 kilometres in width and has a total land area of 540 square kilometres. Guam lies about 2,400 kilometres east of Manila. Agana is the capital city. 2/

2. Guam is composed of two distinct geological areas of about equal size. The northern part of the island is a high coralline limestone plateau and contains the northern water lens, capable of supplying fresh water far in excess of the Territory's present needs. The southern region is mountainous. Apra Harbour, which is located on the central western side of the island, is one of the largest protected harbours in the Pacific and is considered to be the finest deep water port between Hawaii and the Philippines. 2/

3. In 1521, the explorer Ferdinand Magellan, sailing under the Spanish flag, reached Guam during his circumnavigation of the globe. Later, in 1565, Spain claimed Guam and the rest of the Mariana islands, but did not begin colonization until 1668, when the native Chamorro population of the Mariana archipelago was estimated at 50,000. As a result of harsh treatment by the colonizers and the introduction of new diseases, the Chamorros were reduced to less than 2,000 by 1700. Following its defeat in the Spanish American War in 1898, Spain ceded Guam to the United States.

4. Guam was under the administration of the United States Navy from 1899 to 1950, except for a period during the Second World War when the island was occupied by Japan.

5. In accordance with the 1950 Organic Act of the United States Congress, Guam became an unincorporated Territory. Administration of the Territory was transferred to the Department of the Interior.

6. Guam's population is growing at an accelerating rate, increasing from 105,979 in 1980 to an estimated 133,152 in 1990, or by 25.7 per cent. If the current rate of growth remains constant, the Territory's population will double by 2010. Population density is about 235 per square kilometre, much higher than the average in the United States. Of the total inhabitants, 19,468 are United States military personnel and their dependants. 3/ Exclusive of military personnel, about 47 per cent of the inhabitants are Chamorro; 25 per cent are Filipino; 15 per cent migrated from the United States mainland; and 13 per cent are Korean, Chinese, Japanese, Micronesian and Indian. 3/

7. At its 642nd meeting, on 1 May 1992, the Subcommittee on Small Territories, Petitions, Information and Assistance of the Special Committee was provided additional information by the Organization of People for Indigenous Rights of Guam with regard to the ethnic composition of Guam.

8. The Organization drew attention to the 1990 Census of Population and Housing: Social, Economic and Housing Characteristics - Guam, according to which over half the population was not born in the Territory and, of that proportion, 63 per cent had arrived after 1985. 4/ The Organization expressed concern that the Chamorro population was becoming a minority owing to the continued application to Guam of federal immigration regulations. 5/

9. Press reports indicate that approximately 1,300 more United States Navy personnel and their dependants, a total of 2,500 persons, are expected to move to Guam during 1992 as a result of the closing of the Subic Bay Naval Base and Cubi Point Naval Air Station in the Philippines. 6/ It will be recalled that in 1989, approximately 1,300 military personnel were moved from Guam owing to the closure of the B-52 base at Anderson Air Force Base. With the expected redeployment, the total number of military personnel in the Territory would return to the 1989 level. 5/

10. At present, about half of the population lives in the most northerly part of the Territory. In 1940, only 8 per cent of the total population resided there. The population shift resulted from the development of infrastructure and employment opportunities in the north in connection with the construction, maintenance and operation of military bases. 7/

II. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

A. General

11. As provided for by the Organic Act of 1950, the Government of Guam consists of separate executive, legislative and judicial branches.

12. Universal adult suffrage with respect to local elections applies to Guamanians 18 years and older. As Guamanians are nationals rather than citizens of the United States they are not eligible to vote in the United States presidential elections while resident in the Territory.

13. Since 1972, the Territory has had a non-voting delegate in the United States House of Representatives. Mr. Ben Blaz, a Republican, is currently serving his fourth two-year term in that capacity.

Executive

14. Executive power is vested in a Governor who, together with a Lieutenant-Governor, is elected for a term of four years. The Governor is responsible for the general supervision and control of the executive branch and submits to the Secretary of the Interior an annual report on the transactions of the Territory's Government for transmission to Congress. The Governor may issue executive orders and regulations, recommend bills to the Legislature, make his views known to that body and veto legislation. In 1990, Governor Joseph F. Ada (Republican) was re-elected for a second term.

Legislature

15. Legislative power is vested in a unicameral body composed of 21 senators elected by legislative districts for two-year terms. The Legislature may override the Governor's veto.

16. Under the Organic Act of 1950, the United States Congress reserves the authority to annul any law enacted by the Guam Legislature.

Judiciary

17. The Federal District Court of Guam has jurisdiction over all cases arising under the United States Constitution, as well as under United States treaties and laws. The Superior Court of Guam handles cases arising under the laws of Guam.

18. On 14 April 1992, the United States Court of Appeals for the Ninth Circuit affirmed the ruling of a federal district court, which declared a territorial law on abortion unconstitutional. The statute, which outlawed the procedure except to save a woman's life or prevent grave injury, was considered to be the most sweeping anti-abortion statute in any jurisdiction of the United States. 8/

19. The unanimous decision by the three-judge panel of the Court of Appeals upheld the ruling of the federal district judge who had blocked the law's enforcement in March 1990, four days after it took effect. 8/

B. Future political status

20. In a political status referendum held on 30 January 1982, Guamanian voters were asked which of the following seven alternatives they would prefer as "the ultimate goal of the Territory of Guam": (a) statehood; (b) independence; (c) free association; (d) the status of incorporated Territory (i.e., with a local constitution); (e) commonwealth status; (f) the status quo; or (g) other.

21. Commonwealth status received 4,914 votes (49.5 per cent), just short of a simple majority, followed by statehood, 2,547 votes. The majority of voters in every village on the island opted for commonwealth status.

22. In a run-off referendum held in September 1982, a large majority of Guamanian voters expressed preference for commonwealth status. Subsequently, in February 1984, the Guam Legislature established an eight-member Commission on Self-Determination to prepare a draft commonwealth agreement which, if acceptable to the people, would be submitted to the United States Congress for consideration.

Draft Commonwealth Act

23. In May 1986, the Commission on Self-Determination completed a draft Commonwealth Act, which, after a public-education campaign, was submitted to an article-by-article vote on 8 August 1987. Thirty-nine per cent of the 35,846 registered voters participated. They approved 10 of the 12 articles by majorities ranging from 51 to 61 per cent and rejected articles 1 and 7 by small margins.

24. Article 1, which spelled out the envisaged political relationship between the United States and Guam, also contained provisions that would recognize the Chamorro people (defined as those born on Guam before 1 August 1950 and their descendants) as a distinct group with certain privileges. Article 7 would transfer control over immigration from the federal Government to Guam.

25. A second vote on articles 1 and 7, as revised by the Commission on Self-Determination, was held on 7 November 1987 and brought out 20,000 voters, or 56 per cent of all those registered. Each article was approved by about 11,400 votes, notwithstanding continuing criticism that the articles still contained provisions that were actually or potentially discriminatory and were thus contrary to the United States Constitution.

26. The major provisions of the draft Commonwealth Act may be summarized as follows: Guam would become a fully self-governing Commonwealth of the United States under a locally adopted constitution, which would recognize, and be consistent with, the sovereignty of the United States over Guam and the supremacy of the provisions of the United States Constitution, as well as treaties and laws of the United States applicable to Guam. The Guam constitution would provide for a republican form of government, with separate executive, legislative and judicial branches and a bill of rights. No federal laws passed after adoption of the act would apply to Guam without its consent, and a joint commission would regularly consult with the United States and Guam on all matters affecting the relationship between them. The United States would be required to consult with Guam with respect to any plan to increase or decrease activities of the Department of Defense in the Territory and would pay rent on land used by the military.

27. The draft Commonwealth Act also provided that the Congress of the United States would recognize the inalienable right to self-determination of the Chamorro people, for which provision would be made in the Guam Constitution. The United States Government, together with the Commonwealth of Guam, by means of additional federally funded programmes, might promote: (a) the maintenance and preservation of the Chamorro language, culture and traditions; (b) the enhancement of economic, social and educational opportunities for Chamorros; and (c) the training of Chamorros as professionals, skilled workers and leaders in business and industry. Also under the draft Act, the Government of Guam would establish, for the benefit of the Chamorro people, a "Chamorro Land Trust" comprising certain lands returned by the United States before and after the effective date of the Act. The draft Act specified that, notwithstanding the above provisions, no qualified resident of Guam could be deprived of the

right to vote in any plebiscite or referendum held to ratify the draft Commonwealth Act and that the continued eligibility of members of minority groups for benefits would not be affected.

28. Under the draft Commonwealth Act, Guam would have greater control over immigration matters than exercised by any of the 50 states or other United States Territories, as well as veto power over federal laws and regulations. It would establish a 200-mile exclusive economic zone. Further, the draft Act would restrain the United States from utilizing the waters surrounding Guam for the dumping or storage of nuclear waste and would oblige the United States to clean up all chemical waste sites used by the military.

29. The draft Act was submitted to Congress for its consideration in February 1988.

30. A Federal Interagency Task Force report released in August 1989 concluded that some provisions of the draft Commonwealth Act were unconstitutional, particularly those relating to the exercise of self-determination by the Chamorro people. 9/

31. In his state of the Territory address of 14 January 1992, Governor Ada reiterated that passage of the draft Commonwealth Act would enable the Territory to increase trade with, and accept assistance from, foreign countries and enable it to control its own marine resources. He reiterated the territorial Government's demand for access to unused land being held by the federal Government. 10/

32. In a testimony submitted on his behalf to the House Subcommittee on Insular and International Affairs on 6 February 1992, Governor Ada called upon Congress to enact the draft Commonwealth Act as submitted, as early as possible. He stated that the change of political status would enable the people of the Territory to chart their own future development as well as guarantee that the United States would maintain a stable strategic presence in the Pacific. 11/

33. In her testimony to the House Subcommittee on Insular and International Affairs on 6 February 1992, Stella Guerra, Assistant Secretary of the Interior for Territorial and International Affairs, stated that discussions on a number of subjects, including Guam's commonwealth proposal, had taken place during 1991 between Federal officials and those of the Territory. Tentative agreement had been reached on two thirds of the major provisions of the draft. A new round of discussions on the remaining outstanding issues was expected to be concluded by April 1992 and a report would be submitted to Congress on the outcome. 12/

34. Press reports indicate that, at talks held at Washington in February 1992, progress was made in reaching agreement on some trade issues, but not on control over the exclusive economic zone or the participation of the Territory in regional and international organizations. 13/

35. At talks held in Guam in April 1992, the two sides were unable to reach agreement on the question of "mutual consent" over the application of federal laws to Guam and the right to self-determination of the Chamorro people. 14/

36. Press reports indicate that Congressional review of the draft Act could take several years to complete.

Position of the United States

37. In a statement to the Subcommittee on Small Territories of the Special Committee on 29 July 1991, the representative of the United States said that the people of Guam were pursuing their right to self-determination at their own chosen pace and had repeatedly expressed the desire to retain a close relationship with the United States in accordance with the principles set out in General Assembly resolution 1541 (XV) of 15 December 1960. The representative reviewed developments concerning the draft Commonwealth Act, noting that progress had been made between the two sides on several key points. 15/

Action taken by the General Assembly

38. On 11 December 1991, the General Assembly adopted resolution 46/68, an omnibus resolution on 10 Non-Self-Governing Territories, including Guam. In part A of the resolution, which contains the general principles applicable to all the Territories concerned, the Assembly, inter alia, reaffirmed that it was ultimately for the people of those Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the relevant resolutions of the General Assembly. The Assembly called upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of the possibilities open to them in the exercise of their right to self-determination, in conformity with the legitimate political status options clearly defined in Assembly resolution 1541 (XV).

39. Furthermore, the General Assembly reiterated that it was the responsibility of the administering Powers to create such conditions in the Territories as would enable their people to exercise freely and without interference their inalienable right to self-determination and independence.

40. In part B, section VI, of the resolution, which concerns Guam, the General Assembly, inter alia, called upon the administering Power to ensure that the presence of military bases and installations in the Territory should not constitute an obstacle to the implementation of the Declaration nor hinder the population of the Territory from exercising its right to self-determination and independence in conformity with the purposes and principles of the Charter of the United Nations.

41. The General Assembly also called upon the administering Power, in cooperation with the territorial Government, to expedite the transfer of land to the people of the Territory and to take the necessary steps to safeguard their property rights.

42. The Chairman of the Special Committee, Mr. Renagi Renagi Lohia of Papua New Guinea, met with the Governor of Guam on 2 April 1992, at Agana. The two parties exchanged views on a range of issues concerning Guam's future status and United Nations action in that regard.

III. ECONOMIC CONDITIONS

A. General

43. Until the Second World War, the majority of Guamanians were involved in subsistence agriculture. After the War, employment was generated mainly by the presence of United States Department of Defense military bases, which provided jobs mostly in the construction and servicing sectors. The formation of a territorial Government in 1951 provided further employment in non-agricultural sectors, in particular in the public service.

44. Guam's economy was based for several years on federal expenditures (mostly military), which in 1990 amounted to $895 million (or $6,882 per person). 16/

45. Since the 1970s, the dramatic increase in tourism and the related construction, retail and service sectors have been the effective force in the economy's growth (see paras. 72-79).

46. The 1990 Guam Annual Economic Review described Guam's economic outlook as "very promising", ascribing the rapid growth and near-full employment to the tourism and construction sectors. The Review added that in addition to being one of the most populated and advanced islands in the western Pacific, Guam had an ideal geographical location and a stable banking community and it offered liberal incentives for investments. Continuing efforts were being made to promote the development of small-scale light manufacturing and to establish Guam as a financial, educational and administrative centre in the western Pacific.

47. Guam's economy has also been experiencing a rapidly escalating rate of inflation. The Territory's consumer price index has averaged twice the national levels of the United States. 17/ Between 1985 and 1990, per capita income was reported to have risen by 47 per cent and the average household income by 44 per cent. The Government gave all its employees, one fifth of the total work force, a $5,440 salary increase for 1990, amounting to an average increase of 20 per cent per worker. Reflecting the rapid rise in incomes, the number of food stamp recipients fell from 23,900 in 1985 to under 11,000 in 1990. 18/

48. Guam imports almost all of its requirements. The United States has been the traditional supplier, currently selling goods valued at $250 million to Guam annually. The Territory's exports to the United States are valued at $10 million. 18/

B. Public finance

49. The territorial Government's revenue for fiscal year 1990 amounted to $547.7 million and expenditures equalled $363.1 million. The Government therefore recorded a surplus balance of $184.6 million. 19/

50. The Territory receives funding from a number of departments of the federal Government. During 1993, Guam will receive $50 million out of a total federal insular budget of $317 million. Of this sum, $48.5 million will be for federal income tax rebates (an increase of $1.5 million compared with 1992). 20/

51. Territorial officials requested an increase in federal payments for "Impact Assistance", meaning expenses associated with the effect on Guam of the Compact of Free Association between the United States and the Federated States of Micronesia and the Republic of the Marshall Islands, especially expenditures incurred due to open immigration from the Freely Associated States estimated to be $27.9 million for 1989 to 1991. For 1990-1991, Guam received $1 million which was shared with the Commonwealth of the Northern Mariana Islands and $1.5 million for 1992-93. The Territory receives additional lending from various federal agencies. 20/

52. Territorial leaders have drawn attention to the fact that the Territory's economy is increasingly interdependent with the countries of the Pacific Rim, in particular Japan. The Government is currently drafting its own income tax code to replace the Internal Revenue Code. The new code would be designed to reflect economic conditions of the Asia-Pacific region and offer better incentives to offshore investors. 21/

53. In August 1991, the Guam Senate unanimously adopted a resolution requesting that the authority of the Inspector General of the Department of the Interior be limited to auditing programmes directly funded by federal grants. Only 10 to 15 per cent of the Territory's programmes are federally funded. At the close of the Pacific Basin Development Council Conference held in Hawaii on 5 February 1992, the Governors of Guam, American Samoa, Hawaii and the Commonwealth of the Northern Mariana Islands passed a joint resolution, in which they reiterated the position of the Guam Senate. 22/

C. Land tenure

54. Approximately 30 per cent of the land in Guam is reserved for the Department of Defense, 1 per cent is used by the federal Government for non-military purposes and 19 per cent belongs to the Government of Guam.

About 50 per cent is privately owned. There are approximately 10,000 landowners, 94 per cent of whom own less than two hectares of land each (see A/AC.109/1069, para. 42).

55. According to the 1990 Guam Annual Economic Review, there were 35,000 land parcels on Guam with a total appraised value of $1.1 billion.

56. As previously reported (see A/AC.109/1017, para. 55, and A/AC.109/816/Rev.1, para. 34), in the mid-1970s, some 1,400 Guamanians who believed that they had not been adequately compensated for land appropriated by the United States military after the Second World War brought a class-action suit in United States federal courts seeking damages of up to $300 million. In 1984, the majority of plaintiffs decided to accept an out-of-court settlement of $39.5 million, which had been ruled fair by a federal district judge. Since then, because urban and rural landowners have been unable to agree among themselves upon a formula for apportioning the settlement, few disbursements have been made. In November 1988, it was reported that disbursements totalling $1.1 million had been distributed to almost 100 landowners.

57. According to the Guam Commission on Self-Determination, the majority of litigants have not accepted the settlement and are pursuing separate legal action against the federal Government.

58. In a related development, in 1977, in response to expressions of dissatisfaction by Guamanians, the Department of the Navy, in cooperation with the Department of the Air Force, prepared a study known as the Guam Land Use Plan, recommending the release of 2,100 hectares of surplus land held by the military so that it could be developed. The Department of Defense agreed to release 1,416 hectares.

59. The Navy transferred to the territorial Government 190 hectares of land on Cabras Island, as well as the land used for airport expansion at the Naval Air Station, several parcels at Apra Harbour and 84 hectares of land and facilities at the Hotel Wharf.

60. In a statement to the Special Committee's Subcommittee on Small Territories on 29 July 1991, the representative of the United States stated that, during 1990 and 1991, 150 hectares of excess federal lands had been transferred to the Government of Guam to be used for the construction of a waste water treatment facility, a new high school and a new campus for the Guam Community College. In addition, 8 hectares of submerged lands off the south-east coast of Guam had been transferred for use as part of the Cocos Island Public Park. 15/

61. Recent press reports indicate that legislation has been introduced in the United States Senate that would authorize the transfer of 1,214 hectares more of excess defence land to the territorial Government upon its institution of a land-use programme. During 1992, the territorial Government conducted public hearings to initiate such a land-use programme. 23/

62. In testimony submitted on behalf of the Governor of Guam to the House Subcommittee on Insular and International Affairs on 6 February 1992, concern was voiced regarding the federal Government's financial commitment for the completion of the War in the Pacific National Park, which is to be a memorial to victims of the Second World War.

63. When originally designed, the boundaries of the park included several parcels of private lands whose owners were to be compensated for their condemned properties. The owners have been waiting for several years now for a final settlement on their properties. The territorial Government has stressed the importance of a solution to the problem.

D. Agriculture and fisheries

Agriculture

64. Today, Guam's agricultural sector is the smallest sector in the economy, utilizing about 162 hectares of land and employing only 310 persons out of a total work force of 59,130. The average annual earnings of these workers is reported to be $9,552, far below the average wage for the Territory. In 1988, the total value of agricultural produce amounted to just over $7 million. 24/

65. Guam has relatively poor natural conditions for commercial agriculture. Rainfall can be torrential and is often accompanied by destructive winds. The soil lacks minerals and nutrients needed for satisfactory agricultural production.

66. Furthermore, the small size of plots is an obstacle to the use of machinery and, in many cases, deters farmers from purchasing capital equipment. Transport, storage and processing facilities for agricultural products have, until recently, been almost non-existent and marketing efforts fragmented.

67. To increase output, the Government's Agricultural Development Services has begun a programme of leasing land owned by the territorial or the federal Government that is neither required for public use nor reserved for other purposes. About 227 hectares are reported to have been leased to 52 farmers throughout the Territory. 25/

Fisheries

68. Guam is considered a natural location for a major fishing industry by virtue of its excellent harbour and port operations; infrastructure for freezing, storage and handling of fish; an adequate fuel supply; and ship repair facilities. Nonetheless, it serves mainly as a tuna transshipment centre. Other activities are small scale.

69. In 1990, a total of 12,073 metric tons of tuna was transshipped from Guam. Yellow fin and bigeye tuna comprised 96 per cent of the total catch.

Of the total, 75.3 per cent, or 9,101 metric tons, was caught by Japanese longliners and the remaining by longline vessels from Taiwan Province of China. The reported value of the catch was $15.2 million. 26/ The small-scale fishing harvest by local residents accounted for a total of 301,548 kilograms. 27/

70. Guam is a member of the Pacific Fisheries Development Foundation, a regional organization which assists members in the management, development and conservation of tuna resources, and of the Western Pacific Regional Fishery Management Council which advises on management within the exclusive economic zone to prevent overfishing and to encourage economic development.

71. An Ad Hoc Committee on Fisheries Projects and Programmes headed by the Guam Department of Commerce and composed of government and private-sector counterparts has been established. In 1990, its main focus was on enforcement issues in the exclusive economic zone, in particular the limiting of longline and purse seiner vessels and of drift-net fishing.

E. Tourism

72. Tourism continued to be the main factor in the economy's growth. There were an estimated 850,000 visitors in 1990 and 918,535 in 1991. 28/ In 1991, visitors from Japan accounted for over 80 per cent of the total number of tourists. Those from the Republic of Korea, Hong Kong and Taiwan Province of China increased considerably following a trade mission by the territorial Government in 1990 and owing to increased direct air service to Taipei and Hong Kong. 29/

73. Despite a slump caused by the situation between Iraq and Kuwait, the hotel occupancy rate was recorded to be almost 80 per cent in 1991, compared with 90 per cent in 1989. At the end of 1991, Guam had a total of 5,975 hotel/motel rooms, an increase of 14.6 per cent over 1990. An estimated 6,000 new rooms are scheduled for completion between 1992 and 1994. 30/

74. Hotel occupancy taxes amounted to $15.8 million in 1991, compared with $14.6 million in 1990 and $11.8 million in 1989. 31/

75. The development of the tourism industry is estimated to be the main factor in the increase of retail sales to over $1 billion in 1990. 28/

76. The territorial Government is in the process of designing a strategic marketing plan to encourage the development of new tourist attractions.

77. In exchange for allowing developers to build tourist hotels, the Government has sought contributions to the island's infrastructure. While in the past those contributions were on an ad hoc basis, the Governor has now proposed to the Legislature the imposition of a 5 per cent impact fee.

F. Industry and commerce

78. The small-scale manufacturing sector includes firms engaged in wood-carving, bag-making, boat-building, water-bottling and in the production of greeting cards, chocolate, clocks, surf boards and tourist souvenirs. Larger-scale activities include a milk processing plant, printing plants, bread and pastry factories, a watch company and a textile factory. The sector currently accounts for only 3 per cent of the total employment in the Territory. 32/

79. In 1989, income generated from the retail sector contributed $1.1 billion of the $4.1 billion total gross business receipts. The wholesale sector generated $73.5 million. 33/ During 1990, these two sectors represented 21 per cent of the total payroll and employed 12,590 persons out of a labour force of 59,130. 33/

80. During meetings between the Guam Commission on Self-Determination and the Federal Inter-Agency Task Force at Washington, agreement was reached on trade policy, which stipulated that Guam would remain outside the United States customs zone and maintain duty-free entry into the United States except in the areas of health and national security. It was also agreed that a fixed standard would be established for Guam products. 34/

81. Headnote 3 (a) of the United States Tariff Code permits local manufacturers to import raw materials tariff-free provided that at least 30 per cent of the value of the final product is added in Guam. Headnote 3 (a) also permits exports to United States markets free of tariffs.

82. Under the Generalized System of Preference, Guam may benefit from preferential rates for its exports to the United States, Australia, Japan and Canada and the States members of the European Economic Community.

G. Transportation and communications

83. Guam is serviced by a number of international airlines: Continental, Air Micronesia, Northwest Airlines, Japan Air Lines, All Nippon Airlines, Hawaiian Airlines, Air Nauru, Korean Air and Philippine Airlines. Air Micronesia, Express and Freedom Air fly commuter flights to the outer islands. Approximately 25 flights arrive daily in Guam.

84. During 1990, the Guam Airport Authority earned $17.6 million in revenues, a 15.3 per cent increase over 1989. Operating costs and expenses were $11.5 million. Net earnings were $5.7 million. 35/

85. Since July 1991, officials of the Territory and those of the Defense Department have been engaged in negotiations aimed at transferring land of the United States Naval Air Station to Guam's civilian airport. At present, the civilian airport shares facilities with the naval air station. The transfer would allow for the expansion of Guam's commercial airport operations. 15/

86. Apra Harbour is a major port in the western Pacific. Ten shipping lines provide direct service to Hawaii, mainland United States, Asia and the western Pacific. In 1990, 3,073 vessels called at the port. 35/

87. Public bus transport is provided to all 19 villages throughout the Territory by the Guam Public Transit System, an autonomous agency of the Government of Guam. 15/

88. Telephone installations increased from 34,657 primary lines in 1989 to 37,787 primary lines in 1990. 15/

89. Guam has telephone connections to North America via transpacific submarine cable installed by Fiber Optic Communication. The Guam telephone authority has a five-year plan to lay fiber optic cable throughout the island. International telegram and telex, telecopy and data transmissions services are also available.

IV. SOCIAL CONDITIONS

A. Housing

90. The 1990 preliminary census states that there are 35,277 housing units in Guam, representing an estimated 25 per cent increase over 1980, to keep pace with the population growth. Construction of both private houses and condominiums, as well as of businesses and hotels, is expected to continue to increase. During 1990, the Guam Department of Public Works issued 557 new residential permits valued at $66.9 million and 49 permits for apartments and dormitories valued at $41.5 million, an increase of 16.7 per cent over 1989. 36/

91. The Guam Housing Corporation, which finances housing for low and moderate income families, issued 75 loans valued at over $5 million during 1990. 36/

92. Guam was not too badly damaged by typhoon Yuri, which hit the western Pacific and southern Guam with winds up to 200 miles an hour in November 1991. Damage to homes, businesses and public infrastructure was estimated at $29.3 million. The Government of Guam assumed the loss incurred by all crop damage, estimated to be $1.3 million, as well as 25 per cent of the cost of reconstruction of private homes. 37/

B. Public health

93. Medical care is generally of a high standard and health conditions are good. The 158-bed, government-owned Guam Memorial Hospital was opened in 1976. In September 1989, the hospital began a $20.6 million improvement project which, according to press reports, is nearing completion. In addition, there is the United States Naval Hospital and some 17 medical and 7 dental clinics. The Department of Public Health and Social Services maintains

a pharmacy, a nursing section, a maternal child health and family planning centre and a paediatric clinic. A new mental health facility is under construction.

94. Some 140 physicians practise on Guam in several fields of specialization. There are over 30 dentists.

95. A shortage of doctors was reported in all areas of health care. The doctor-to-population ratio for 1991 is reported to be 13.1 per 10,000, or a little better than half that in the United States in 1987 (21.4 doctors per 10,000). 38/

96. At the Second Governor's Conference on Health held in October 1991, 114 health professionals from government, military and private sectors identified 13 areas that needed improvement and attention, including: control of communicable diseases, protection from hazardous and toxic materials, access to comprehensive health care services, environmental protection, reduction of drug and alcohol abuse, and maternal and child health. 39/

97. Reports indicate that 5 per cent of the population in Guam are carriers of hepatitis B, which is endemic to the region. The Center for Disease Control in Atlanta reported that the region in general and Guam have registered a very low incidence of acquired immune deficiency syndrome (AIDS) cases (only 10 identified cases). The public, however, has been made aware of the disease. 40/

C. Labour

98. In September 1991, the total civilian labour force was reported to be 46,970, exclusive of non-resident aliens and members of the United States Armed Forces and their dependants. There were a total of 10,316 non-immigrant aliens as of December 1991, mainly from the Philippines, Japan, the Republic of Korea and China. 41/ The majority of the labour force is employed in the private sector. The federal and territorial Governments employed 18,500 in 1991. The unemployment rate has been 2.5 per cent for several years. 42/

99. According to several press reports, during 1991 and 1992, a significant number of complaints were registered regarding widespread abuse of alien workers by contractors and brokers. In response to the complaints, labour officials conducted on-site inspections at construction sites and labour camps, and issued a large number of citations of violations and penalties to the businesses concerned. 43/

D. Law and order

100. During 1990, the number of violent crimes increased to 382 from 267 reported for the previous year. Other crimes, including burglary, larceny and theft, rose from 4,304 in 1989 to 4,622 in 1990. 44/ During 1991, however,

the reported overall crime rate fell by 7 per cent and the Territory reported a 100 per cent conviction rate in prosecuted cases. 45/

V. EDUCATIONAL CONDITIONS 46/

101. Education is compulsory for children between 6 and 12 years of age. The Territory has established an extensive public and private educational system. The public educational system includes 24 elementary schools, 6 middle schools and 5 high schools, the University of Guam, and the Guam Community College. Private schools are operated by the Catholic, Episcopalian and Seventh Day Adventist churches. There are also two private business colleges.

102. Total school enrolment in 1990/91 was 31,304, of whom 25,942 attended public schools and 5,293 attended private schools. A total of 1,287 pupils graduated from high school in 1990.

103. The Guam Community College reported that in 1989/90, 1,095 high school students and 2,097 adult post-secondary students were enrolled in vocational courses, which included apprenticeship in the contruction and in the hotel/ restaurant industries. Foreign student enrolment was reported to be 314. Over 50 students were enrolled in the United States Naval Apprentice Programmes in 1989. There were 25 graduates.

104. The University of Guam which is accredited by the Western Association of Schools and Colleges of the United States offers graduate programmes in education and public administration and operates a marine research laboratory. The University has a Micronesian Area Research Center which has an extensive collection of historical documents.

105. For the academic year 1989/90, the University of Guam reported an enrolment of 1,499 full-time students and 886 part-time students. Of this number, 281 were students from the Trust Territory of the Pacific Islands.

Notes

1/ The information contained in the present paper has been derived from published reports and from information transmitted to the Secretary-General by the Government of the United States of America under Article 73 e of the Charter of the United Nations on 7 April 1992 for the period 1990-1992.

2/ 1990 Guam Annual Economic Review, Department of Commerce, Guam, p. 2.

3/ United States Department of the Interior Fact Sheet, August 1991.

4/ Ibid.; 1990 Guam Annual Economic Review, p. 9, table 2; 1990 Census of Population and Housing: Social, Economic and Housing Characteristics - Guam, United States Department of Commerce, table 49.

Notes (continued)

5/ United Nations press release GA/COL/2833, 1 May 1992.

6/ Pacific Daily News, 8 February and 26 and 27 April 1992.

7/ 1990 Guam Annual Economic Review, p. 15.

8/ The New York Times, 17 April 1992; Washington Post, 20 April 1992.

9/ Pacific Daily News, 1 September 1989.

10/ State of the Territory address by Mr. Joseph F. Ada, Governor of Guam, delivered on 14 January 1992, p. 14.

11/ Testimony before the House Subcommittee on Insular and International Affairs, submitted on behalf of Mr. Joseph F. Ada, Governor of Guam, 6 February 1992, p. 4.

12/ Statement of Ms. Stella Guerra, Assistant Secretary of the Interior for Territorial and International Affairs, to the Subcommittee on Insular and International Affairs, regarding the President's fiscal year 1993 budget for insular affairs, 6 February 1992, p. 3.

13/ Pacific Daily News, 9 and 11-14 February 1992; The Washington Pacific Report, 15 February 1992, vol. 10, No. 11 and 1 March 1992, vol. 10, No. 11.

14/ The Washington Pacific Report, 15 April 1992, vol. 10, No. 14, pp. 3 and 4.

15/ United Nations press release GA/COL/2804, 29 July 1991.

16/ 1990 Guam Annual Economic Review, p. 3; United States Department of the Interior Fact Sheet, August 1991.

17/ 1990 Guam Annual Economic Review, p. 143; An Economic Assessment of Guam, Bank of Hawaii, Spring 1991, pp. 8 and 9.

18/ Pacific Daily News, 12 February 1992; and state of the Territory address by the Governor of Guam.

19/ 1990 Guam Annual Economic Review, p. 3.

20/ Testimony before the House Subcommittee on Insular and Territorial Affairs, submitted on behalf of Mr. Joseph F. Ada; Pacific Daily News, 6 and 8 February 1992.

21/ Statement of the Guam Chamber of Commerce to the Pacific Business Opportunities Conference, Honolulu, Hawaii, 16 January 1991.

Notes (continued)

22/ Pacific Daily News, 8 February 1992.

23/ Ibid., 8 April 1992.

24/ 1990 Guam Annual Economic Review, pp. 51 and 52.

25/ Ibid., p. 53.

26/ Ibid., p. 64.

27/ Ibid., p. 67.

28/ An Economic Assessment of Guam, p. 4.

29/ Ibid., p. 11; state of the Territory address by the Governor of Guam, p. 10.

30/ An Economic Assessment of Guam, p. 13.

31/ Quarterly Economic Review of Guam, vol. 13, No. 4, October-December 1991, p. 28.

32/ 1990 Guam Annual Economic Review, p. 72.

33/ Ibid., p. 74.

34/ Pacific Daily News, 12 February 1992.

35/ 1990 Guam Annual Economic Review, p. 41.

36/ Ibid., pp. 17 and 70.

37/ Testimony before the House Subcommittee, delivered on behalf of the Governor of Guam, 6 February 1992.

38/ Pacific Daily News, 21 July 1991.

39/ Ibid., 12 June 1991.

40/ Ibid., 21 and 22 September and 27 December 1991.

41/ Quarterly Economic Review of Guam, p. 3.

42/ 1990 Guam Annual Economic Review, p. 21; An Economic Assessment of Guam, p. 4.

43/ Pacific Daily News, 1, 4, 7, 9 and 15 January 1992.

44/ 1990 Guam Annual Economic Review, p. 204.

Notes (continued)

45/ Statement of Ms. Stella Guerra ..., 6 February 1990; state of the Territory address by the Governor of Guam.

46/ Information for this section is taken from the 1990 Guam Annual Economic Review, tables 21-33, pp. 111-118.

UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.109/1112
1 June 1992

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

TOKELAU

Working paper prepared by the Secretariat

CONTENTS

		Paragraphs	Page
I.	GENERAL	1 - 2	3
II.	CONSTITUTIONAL AND POLITICAL DEVELOPMENTS	3 - 30	3
	A. General	3 - 6	3
	B. Legislative developments	7 - 11	4
	C. Territorial government	12 - 19	4
	D. Public service	20 - 23	6
	E. Future status of the Territory	24 - 30	6
III.	ECONOMIC CONDITIONS	31 - 55	7
	A. General	31 - 32	7
	B. Public finance	33 - 35	8
	C. Development assistance	36 - 40	8

92-23064 3393e (E) 020692 020692

/...

CONTENTS (continued)

		Paragraphs	Page
D.	Agriculture, livestock and fisheries	41 - 47	9
E.	Transport and communications	48 - 51	10
F.	Public works	52	10
G.	Energy and water	53 - 54	11
H.	Banking and credit	55	11
IV.	SOCIAL AND EDUCATIONAL CONDITIONS	56 - 70	11
A.	Health and social services	56 - 58	11
B.	Educational conditions	59 - 64	12
C.	Housing conditions	65 - 66	12
D.	Welfare and relief	67	13
E.	Labour and employment	68	13
F.	Crime prevention	69	13
G.	Human rights	70	13

TOKELAU 1/

I. GENERAL

1. Tokelau, a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls in the South Pacific (Nukunonu, 4.7 square kilometres; Fakaofo, 4.0 square kilometres; and Atafu, 3.5 square kilometres) with a total land area of approximately 12.2 square kilometres. Nukunonu, the central atoll, is 92 kilometres from Atafu and 64 kilometres from Fakaofo. Western Samoa, 480 kilometres to the south, is the nearest sizeable neighbour.

2. Tokelauans are Polynesians with linguistic, family and cultural links with Western Samoa. According to the 1986 census, the total population of Tokelau was 1,690, an increase of 118 as compared with 1981. There were 603 inhabitants on Atafu, 426 on Nukunonu and 661 on Fakaofo. The constraints of atoll life and limited opportunities have led some 3,000 Tokelauans to settle abroad, particularly in New Zealand and Western Samoa.

II. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

A. General

3. Tokelau is administered under the Tokelau Act, 1948, and its amendments. 2/ Tokelauans are New Zealand citizens under the provisions of the New Zealand Citizenship Act, 1977.

4. It will be recalled that under the Tokelau Act, the Minister of Foreign Affairs of New Zealand may appoint the Administrator of Tokelau for a three-year term. Mr. Brian Absolum, the current Administrator, assumed office on 1 February 1992. The Administrator resides at Wellington and visits Tokelau annually. His responsibilities for the day-to-day administration of the Territory are in practice delegated to the Official Secretary, who heads the Office for Tokelau Affairs. By agreement with the Government of Western Samoa, that office is based at Apia. The post of Official Secretary has, for several years, been held by a Tokelauan.

5. The Government of Western Samoa gives considerable assistance to Tokelau. Besides the service it provides to the Office for Tokelau Affairs, it gives Tokelauans access to secondary and vocational institutions and medical facilities.

6. The General Fono (Council) of Tokelau (see para. 12) has approved a plan to relocate the Office for Tokelau Affairs to the Territory over a five-year period as soon as sufficient improvements in communications within Tokelau and between Tokelau and the outside world are completed. When the Office is relocated to Tokelau, it will be the first time since 1889 that the

Administration is resident in Tokelau itself. A decision is still to be taken on whether to establish one central office on one of the atolls or one office on each of the atolls. 3/

B. Legislative developments

7. Tokelau's legislative system is based on the Tokelau Act, 1948, as amended. New Zealand statutes apply to Tokelau only where explicit reference is made to it and, in practice, no New Zealand legislation is extended to Tokelau without Tokelauan consent. The Governor-General of New Zealand is empowered to make regulations for the peace, order and good government of the Territory, after due process of consultation.

8. In the early 1980s, in response to a study that concluded that Tokelau lacked a coherent legal system and that major reform was needed, a Tokelau Law Project was undertaken, which is still continuing, funded by the Tokelau budget and the United Nations Development Programme (UNDP). The aim of the project is to create a body of law that will give due recognition to Tokelauan custom and grant legal authority to local institutions. The process involves ascertaining Tokelau's wishes through consultations between New Zealand and Tokelauan representatives, who have formed a special committee for the purpose.

9. The first amendment to Tokelau legislation resulting from the Law Project was the Tokelau Amendment Act, 1986. 4/ During the period under review, regulations governing the Post Office and Customs, as well as animals, were promulgated.

10. All three atolls have statutory power to enact their own local laws.

Judiciary

11. The New Zealand High Court exercises civil and criminal jurisdiction in the Territory. The faipule of each atoll (see para. 12) also serves as its Commissioner, responsible for arbitrating and resolving disputes under local law.

C. Territorial government

12. The principal institution of government in Tokelau is the General Fono, which establishes policies for the administration of the Territory, takes decisions on the allocation of budgetary resources and makes policy decisions in all areas affecting Tokelauan life. The General Fono consists of 15 representatives of each atoll chosen by its respective taupulega (Council of Elders). The three taupulega are presided over by the faipule, who are the three joint chairmen of the General Fono. No major policy question is approved by the Administrator or the Minister of Foreign Affairs without the endorsement of the General Fono. The General Fono met twice during the period under review.

13. The General Fono continues to assume additional responsibilities. During the period under review, the Budget Committee considered expenditure and project proposals and presented a balanced budget for adoption by the General Fono. The Law Committee did not meet, but progress with its law reform project continued. Other committees, such as those for handicrafts, agriculture, accident compensation and health, continued to consider new policies and forwarded recommendations to the General Fono.

14. There are ongoing discussions between the General Fono and New Zealand on Tokelau's future political status (see paras. 24-30).

15. A representative of the Administrator, together with the Deputy State Services Commissioner, attended the sessions of the General Fono held in April 1991; the Administrator met with the faipule and pulenuku (village mayors) at Apia in May 1991. The function of New Zealand officials at meetings of the General Fono is purely advisory.

Atoll government

16. On each of the three atolls, the principal organ of administration is the taupulega or Council of Elders. The two most important figures are the faipule and the pulenuku. The taupelega is composed differently on each atoll. In Atafu the taupulega is composed of the head of each family group, together with the faipule and pulenuku. In Fakaofo, it comprises the faipule, the pulenuku and village elders. The taupulega of Nukunonu consists of elders and the nominated heads of extended families, the faipule and the pulenuku.

17. The pulenuku are equivalent to the village mayors. They are responsible for the day-to-day administration of village affairs, the scheduling of work, the supplying of water and, in some instances, the resolving of land disputes.

18. The faipule are joint chairmen of the General Fono and represent each atoll in its dealings with the Administrator, the Official Secretary and the officers of the Tokelau Public Service. They preside at meetings of the respective taupulega. The faipule also represent Tokelau at regional meetings and conferences. The failantuhi (village clerks appointed by the taupulega of each atoll) keep records of meetings and transactions of the taupulega.

19. The faipule and pulenuku are elected by secret ballot and universal suffrage for three-year terms. The next elections will be held in January 1993. In recent years, all the faipule and pulenuku have visited New Zealand for discussions with the Prime Minister and other officials on the political future of the Territory and to broaden their awareness of the general operation of government.

D. Public service

20. The 374-member Tokelau Public Service headed by the Official Secretary serves as chief adviser to the General Fono and implements its decisions. All teachers and medical personnel on the atolls are members of the Public Service as are labourers and other casual employees employed on a rotational basis. There are 172 established positions and 172 casual staff. Employment in the Tokelau Public Service is the main source of regular income in Tokelau. Except for seven expatriates, all staff in the Tokelau Public Service is Tokelauan.

21. The New Zealand State Services Commission approved a cost-of-living increase of 5 per cent for public service employees, effective 1 December 1990. The Commission normally carries out an inspection of the Tokelau Public Service annually.

22. Directors of the Tokelau Public Service and the Official Secretary make regular visits to Tokelau by ship, a round trip which normally takes at least a week. The time involved creates practical difficulties for the administration of the Territory and limits the number of public servants able to attend courses overseas. The transfer of the Office for Tokelau Affairs to the Territory itself will eliminate some of these problems.

23. Training awards were granted to members of the Tokelau Public Service by UNDP, the University of the South Pacific, the South Pacific Commission (SPC), the World Health Organization (WHO) and the Commonwealth Fund for Technical Cooperation.

E. Future status of the Territory

24. The Government of New Zealand is committed to assisting Tokelau attain a greater degree of self-government and economic self-sufficiency. While no timetable has been set, the New Zealand Government has regularly reminded the representatives of Tokelau of the desirability of continued progress towards self-government. It is the stated intention of the administering Power, however, to be guided by the wishes of the Tokelauan people.

25. The people of Tokelau have repeatedly expressed the desire to retain their special relationship with New Zealand. At its 631st meeting, held on 11 June 1991, the Subcommittee on Small Territories heard a message delivered by the Permanent Representative of New Zealand to the United Nations on behalf of the three faipule. According to the message, Tokelau was continuing its efforts to strengthen the role of its local institutions, in particular the councils and the General Fono. The expected transfer to the Territory of the Office for Tokelau Affairs was a part of those efforts. In addition, a review had been undertaken of the activities of the Tokelau Public Service that could be handed over to the General Fono. Altogether, those activities would assist in helping to evolve an acceptable structure of government for the Territory. 5/

26. It was further stated in the message that the people of Tokelau and their leaders were making efforts to create diversified employment opportunities; to provide training for young people and give equal recognition to men and women both in terms of employment and status in society; and to uphold the rights of the individual in conformity with the principles of the United Nations. 5/

27. The faipule reiterated that Tokelau would seek a change in its political status at its own pace and only when the Teritory could ensure that the choice it would finally make, in full consultation with the people and in conformity with traditional practice, was one that could be lived with. They expressed satisfaction with the support and understanding of the administering Power. 5/

28. The faipule expressed concern that dumping toxic wastes into the Pacific, nuclear testing in the Pacific and global warming would damage their environment and marine resources. They were helping to find solutions to those problems by participating in regional and international meetings. 5/

29. The faipule informed the Subcommittee that they intended to ask the administering Power to invite a United Nations Visiting Mission to assess the Territory's achievement, but sought flexibility to determine the timetable for the next visit themselves. The last Visiting Mission went to the Territory in 1986.

30. The Permanent Representative of New Zealand stated that, as the administering Power, his country considered it important to maintain a free and open dialogue with Tokelau on all important issues regarding its future. It looked to Tokelau to take the initiative in proposing major changes, however. His Government was always ready to provide any advice and support in that regard. 5/

III. ECONOMIC CONDITIONS

A. General

31. The economy of Tokelau is basically at a subsistence level. Its further development is limited by the Territory's lack of top soil and land-based resources, its small size and isolation. Apart from the salaries of public service employees, the main sources of income are sales of copra, stamps, souvenir coins and handicrafts and remittances from Tokelauans resident abroad, mainly in New Zealand. The per capita gross domestic product was estimated by UNDP to be US$ 830 for 1985-1986. 6/

32. There are cooperative stores on each atoll which carry basic supplies. The Tokelau Public Service Administration works closely with the Store Committee on each atoll to improve the management of the stores and to reduce the cost of goods. An increasing percentage of the goods now sold in Tokelau is imported directly from manufacturers in New Zealand, Australia and Fiji, rather than purchased through wholesale outlets at Apia.

B. Public finance

33. Tokelau's public revenue comes from New Zealand budgetary support and from various local charges, sales and fees. For 1990/91, direct budgetary assistance from New Zealand amounted to $NZ 4.3 million. 7/ Revenue amounting to $NZ 1 million was generated in Tokelau by shipping charges, sales of postage stamps, handicrafts and coins, customs duties and exclusive economic zone fees. These revenues cover recurrent local costs. Tokelau is responsible for managing and spending these funds.

34. New Zealand provided an additional $NZ 1.2 million for development projects, including a study to improve the Apia-Tokelau shipping link, construction of an inter-atoll vessel ($NZ 757,000), meteorological services, a tuna marketing study, a project to provide community care for the elderly, and youth newsletters.

35. New Zealand provided $NZ 1.5 million in emergency and disaster relief funds primarily used for rehabilitation and repair of the sea wall damaged by the February 1990 cyclone. An engineering team of the New Zealand Defence Force assisted in the rehabilitation efforts.

C. Development assistance

36. UNDP is the largest donor of development assistance after New Zealand. Assistance is also provided by SPC and other multilateral and regional organizations. 8/ The indicative planning figures of UNDP for 1987-1991 was US$ 1.1 million, of which 80 per cent was actually made available. The indicative planning figure for 1992-1996 was increased to US$ 1.3 million.

37. The installation of telecommunication links to the outside world is the largest and most costly UNDP project. To make possible the relocation of the Tokelau Public Service, UNDP is studying new options, including satellite communications in addition to the work already done in the project with UNDP funds.

38. The integrated atoll development project sponsored by UNDP and administered by SPC is continuing. The focus of the project has now changed to the strengthening of local institutions, with efforts commencing on Nukunonu. UNDP also continues to assist in the training of senior members of the public service, the upgrading of Tokelau's power and water supplies and the construction of seawalls around the atolls. Further UNDP assistance has been requested for shipping, livestock development and inter-atoll transportation. UNDP has also provided assistance to continue the construction of seawalls around the atolls.

39. Other international or multilateral donors include the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Meteorological Organization (WMO), WHO, the International Telecommunication

Union (ITU), SPC and the South Pacific Forum Fisheries Agency (FFA). The Commonwealth Fund for Technical Cooperation has been an important source of assistance in the education sector.

40. Tokelauans received training in such fields as management, accounting and computer skills. Considerable work was done on Tokelau customary law and the development of educational materials. A Tokelau dictionary and a history book have been published.

D. Agriculture, livestock and fisheries

41. Practically all land is held by customary title in accordance with the customs and usages of the inhabitants. The Tokelau Amendment Act 1967 provides that the people of Tokelau may dispose of their land among themselves according to their customs, but they may not alienate land by sale or gift to non-indigenous inhabitants. Land holdings pass from generation to generation within the families, and are the privilege of the head of the family group. Some land is held in common.

42. Because of Tokelau's sandy surface cover, vegetation has traditionally been limited to the coconut palm, breadfruit and pandanus. A successful vegetable-growing scheme, initiated with financial assistance from UNDP and technical advice from SPC, has been extended to Nukunonu and Atafu. A project aimed at developing root crops will also be extended to these two atolls. The United Nations Children's Fund (UNICEF) has provided funds for the purchase of vegetable seeds.

43. In order to protect the crops, programmes for the control of various infestations continue to be carried out.

44. Tokelau's livestock now comprises pigs, fowl and ducks. Attempts to improve the local swine breed have achieved positive results.

45. Ocean, lagoon and shellfish are plentiful and are a main constituent of the diet. The most common species of fish caught are tuna, skipjack and mullet. UNDP has provided fish-aggregating devices to help increase catches. Under an agreement between the United States of America and the States members of FFA, the American Tuna Fish Association (ATFA) is allowed to fish in the exclusive economic zones of the region in exchange for the payment of fees. Whether or not United States ships actually fish in the waters of Tokelau's exclusive economic zone, the Territory is entitled to assistance for economic development from ATFA by virtue of its being a beneficiary of the agreement of which New Zealand is a signatory. A fish-processing plant has been operating in Atafu since October 1990, funded by the FFA-United States Tuna Treaty. The plant processes fresh tuna into marinated, sun-dried tuna flakes.

46. A trochus-seeding project was introduced on Fakaofo in the 1980s. During the period under review, stocks were replenished with specimens from the Cook Islands and the project was extended to cover Nukunonu and Atafu. Also, a

joint UNDP/Food and Agriculture Organization of the United Nations (FAO) aquaculture programme has agreed to contribute towards the transplant of black pearl oysters from the Cook Islands to Tokelau. Following the completion of a survey of clam and pearl oyster stocks, proposals were made for a reseeding and restocking programme for both species.

47. A study of traditional tuna fishing lore has been published. In addition, during the period under review, a collection of 1,000 slides on traditional fishing techniques was issued and is being used by the Office for Tokelau Affairs. Further studies are being undertaken with financial assistance from the South Pacific Regional Environmental Programme.

E. Transport and communications

48. Tokelau continues to rely on shipping services for all transport, including passengers, cargo and mail. The MV Wairua, owned by a Fiji-based shipping company, makes the round trip between Apia and the Territory once a month. A Western Samoan barge, MV Fotu O Samoa, undertook additional charters to transport building materials and supplies, and a vessel owned by the Government of Tuvalu undertook two charters. A replacement vessel for the Apia-Tokelau route is still being sought.

49. Press reports in February 1992 indicated that a 19-metre catamaran built in New Zealand had arrived in Tokelau and was about to start operating a regular service among the atolls. It can acccmodate 50 passengers and carry 60 cubic metres of freight. 9/

50. The General Fono has rejected plans for the construction of an airstrip on the grounds that the land would be better used for copra and food production. 9/

51. Telecommunications with the outside world and among the three atolls are limited to a single-channel radio link provided by UNDP. The system permits communications either between two atolls or between one atoll and Apia at a given time. Further UNDP cooperation will be required to improve telecommunications sufficiently to enable the move of the Office for Tokelau Affairs to the Territory. A total of US$ 919,000, 70.5 per cent of the indicative planning figure, has been allocated to the development of telecommunications.

F. Public works

52. During the period under review, various public work projects were carried out on the three atolls, including repairs to sea walls and buildings damaged by the 1990 cyclone. A number of projects were completed.

G. Energy and water

53. All three atolls are provided with UNDP-funded 36 kVA diesel generators to improve their electricity power supplies. New cables were laid to replace old wires and new pillar boxes were connected. Household metres were installed in each home. The Fenuafala (Fakaofo) power reticulation programme was begun and is scheduled to be completed later this year.

54. The water-supply programme has increased the availability of rain water to over 100 litres per person per day, provided there is regular rainfall. The water supply is now sufficient to accommodate the sanitation programme, which allows for new homes to be provided with water-scaled facilities and septic tanks.

H. Banking and credit

55. New Zealand currency and the Tokelau souvenir coin are legal tender in Tokelau.

IV. SOCIAL AND EDUCATIONAL CONDITIONS

A. Health and social services

56. Each of the three atolls has a hospital equipped with adequate supplies of medicine and medical and surgical instruments. Critical or difficult cases are referred to Western Samoa or New Zealand for treatment. The Health Department of Tokelau is planning to centralize health services, taking advantage of the newly operational inter-atoll vessel. The Department is also planning to install diagnostic services, an X-ray unit, a laboratory and an operating theatre. This is expected to reduce the number of referrals to Western Samoa.

57. A major concern regarding health conditions in Tokelau is the rapid rise in the incidence of non-communicable diseases, such as hypertension, heart disease, diabetes and gout. Changing lifestyles as well as smoking, beer-drinking and the increasing dependence on imported foods are reported to be the underlying causes for these changes in the health patterns of the people.

58. Tokelau became an associate member of WHO in May 1991. As a result, it is expected that Tokelau's primary health care will be strengthened significantly.

B. Educational conditions

59. Each of the three atolls has modern and well-equipped primary and secondary schools for children between the ages of 5 and 18 years. In 1987, a national form V class was introduced on Nukunonu. The class is open to students from the other two atolls who must board with Nukunonu families during the school year. Education is free and school attendance is close to 100 per cent. There are also preschool classes in each village. Each school has a library which is also used by the local community.

60. Tokelau's teaching establishment comprises 43 qualified teachers and 8 teachers' aides. Each atoll has a parent-teacher association that helps to organize school activities.

61. In the past, qualified students might take examinations for scholarship for futher study in New Zealand upon completing form II. Under a new policy instituted in 1990, examinations were given at the form V level. It was considered that under the earlier system, students were being sent overseas at too young an age. During the period under review, 28 students sat the scholarship examinations.

62. Adult learning centres have been established on each of the atolls. The centres offer programmes aimed at developing traditional skills, such as carving and weaving, as well as courses on specific trades, such as sewing, outboard motor maintenance and engineering.

63. Teachers are being encouraged to upgrade their professional and academic skills through correspondence courses and in-service training. Two volunteers from New Zealand are helping teachers improve their abilities. One is assisting with the establishment of form V science programmes and is providing in-service training. The other is helping develop the preschool curriculum. Effort is being put into the development of women's, and youth programmes, as well as sports programmes.

64. There are 94 Tokelauan students and trainees studying overseas in New Zealand, Western Samoa, Fiji, Tonga, Niue, Solomon Islands and Tuvalu. Of these, 37 are secondary school students and the rest are either studying at university or are receiving training in a variety of technical skills.

C. Housing conditions

65. The people on Atafu live in one village, which is situated on part of a motu (reef-bound islet). At Nukunonu, the village occupies about half of one motu, which is connected by bridge to a neighbouring motu where some families have settled. The village on Fakaofo is on a small but comparatively high and well-shaded motu. A second village has been established on a larger nearby motu, Fenuafala, where the school, the hospital and other facilities are located.

66. A government-subsidized housing programme is in place on all three atolls. As a result, the number of houses of traditional construction has decreased significantly.

D. Welfare and relief

67. Respect for the aged is an integral part of the social system of the islands, where the responsibility of the family to provide for the aged and needy is accepted. Village women's committees, consisting principally of married women, assist the medical officers and nursing staff with infant care and child welfare. A pension is paid to both men and women over the age of 60 years.

E. Labour and employment

68. Copra production and the manufacture of handicrafts are the only industries of significance in Tokelau. Most labour is devoted to the procuring of food from lagoons, the ocean or plantations; to the maintenance of villages; and the production of handicrafts. Various public works and agriculture programmes and projects also provide employment. All paid-worker positions are rotated so as to distribute public service wages more widely throughout the community. Some work is carried out under contract by the village labour forces.

F. Crime prevention

69. There is little crime in Tokelau, and there are no prisons. Punishment generally takes the form of public rebukes, fines or labour. There are three police officers each on Fakaofo, Atafu and Nukunonu.

G. Human rights

70. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, ratified by New Zealand in December 1978, apply in Tokelau.

Notes

1/ The information contained in the present paper has been derived largely from information transmitted to the Secretary-General by the Government of New Zealand under Article 73 e of the Charter of the United Nations on 12 April 1992 for the year ended 30 June 1991.

2/ See Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. III, chap. XVII, annex, appendices I-IV.

3/ Media release, New Zealand Ministry of External Relations and Trade, 15 January 1992.

4/ The Tokelau Amendment Bill, 1986, was enacted into law at the end of July 1986 (see A/AC.109/877/Add.1, annex V).

5/ United Nations press release, GA/COL/2798, 11 June 1991.

6/ DP/CP/TOK/3, 26 February 1992: Third Country Programme for Tokelau, UNDP p. 2.

7/ The local currency is the New Zealand dollar. As at 1 June 1992, $NZ 1.00 was equivalent to US$ 0.55.

8/ DP/CP/TOK/3, 26 February 1992: Third Country Programme for Tokelau, UNDP, p. 3.

9/ Islands Business Pacific, vol. 18, No. 2, February 1992, p. 15 (Suva).

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.109/1113
5 June 1992

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH
REGARD TO THE IMPLEMENTATION OF THE
DECLARATION ON THE GRANTING OF
INDEPENDENCE TO COLONIAL COUNTRIES
AND PEOPLES

MILITARY ACTIVITIES AND ARRANGEMENTS BY COLONIAL POWERS IN TERRITORIES UNDER THEIR ADMINISTRATION WHICH MIGHT BE IMPEDING THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

GUAM

Working paper prepared by the Secretariat

A. General

1. The United States Air Force and Navy maintain major military installations on Guam; the Coast Guard and the Army Corps of Engineers also have facilities. More than 16,188 hectares, or about 30 per cent of the island's total area, are reserved for the use of the Department of Defense. In addition, the military controls approximately 324 hectares of "land-locked properties", according to information received from the Organization of People for Indigenous Rights of Guam, by the Subcommittee on Small Territories, Petitions, Information and Assistance, at its 642nd meeting, on 1 May 1992. 1/

2. In January 1990, there were 9,688 active duty military personnel on Guam comprised of the following: Navy, 6,391; Air Force, 2,682; Army, 56; Marines, 377; and Coast Guard, 182. There were, in addition, 9,780 dependants and 1,336 military retirees. In 1989, prior to the removal of the B-52 squadrons from Guam and the relocation of personnel, there had been 10,699 military personnel. 2/

3. With the expected transfer to Guam of 1,300 military personnel as a result of the closing of the Subic Bay Naval Base and the Cubi Point Naval Air

Station in the Philippines, the total number of military personnel in the Territory is expected to return to the 1989 level.

4. Military spending, which is a major source of revenue for the Territory, amounted to over US$ 697 million 3/ in fiscal year 1990.

5. For many years, Andersen Air Force Base was the major military installation on Guam, home to the 43rd Bombardment Wing of the Third Division. That group included nuclear-capable B-52 bombers, which were deployed within the framework of Strategic Air Command operations in the Pacific and Asia.

6. In May 1968, Air Force officials announced that the Andersen Air Force Base had become non-nuclear. By 30 September 1990, all B-52 bombers had departed from Andersen Air Force Base and the 43rd Bombardment Wing had been deactivated. A new unit, the 633rd Air Base Wing, was activated on 1 October 1989 and assigned to provide support and services for various units at Andersen Air Force Base. 4/

7. Andersen Air Force Base has been for some time a prime emergency landing site in the Pacific for the National Aeronautics and Space Administration space shuttle programme. Facilities are being upgraded to accommodate specialized equipment.

8. A 16-hectare landfill on Andersen Air Force Base has been classified as a hazardous and toxic waste site. The landfill is located over Guam's aquifer, the Territory's sole source of drinking water. The Environmental Protection Agency has allocated $28 million to assist in clean-up efforts, the second highest allocation of all Pacific air bases. 5/ The Air Force plans to close the site completely by the year 2000.

9. As previously reported (A/AC.109/1070), there are a number of naval facilities on Guam: the Santa Rita Naval Magazine; the naval air stations at Brewer Field and Apra Harbour; the naval communications station at Barrigada and the communications annex at Finegayan; and the naval processing station at Ritedian Point. Guam is also a base for the repair, maintenance and provisioning of the Seventh Fleet and Polaris submarines, as well as the home port of five naval vessels.

10. The Naval Communication Area Master Station, located on Guam since 1906, coordinates all naval communications in Japan, the Philippines, Australia and Diego Garcia and provides fleet communications support to ships operating in the western Pacific Ocean and the Indian Ocean. 4/

11. The territorial Government has requested the consolidation of the 890-hectare Agana Naval Air Station with the 8,903-hectare Andersen Air Force Base to allow for expanded use of the facilities by the civilian airport, which currently shares the area and facilities with the Agana Naval Air Station. 6/ Members of the House Armed Services Committee visited Guam in December 1990 and July 1991 to re-examine the proposed consolidation.

12. A new United States Coast Guard cutter - the 34-metre Assateague - has been based in Guam since November 1990 and is assigned to conduct search-and-rescue missions. 4/

13. In May 1991, Singaporean military personnel underwent routine training exercises in Guam. 7/

14. One thousand troops from Guam participated in Operation Desert Shield and Operation Desert Storm. 8/

15. The question of the transfer of excess military land to the Government of Guam for economic development has been under continuous review by the military since 1977 (see A/AC.109/1069, paras. 42-48). In May 1990, the House Armed Services Committee was reported to have endorsed legislation introduced by Ben Blaz, Guam's non-voting delegate to the House of Representatives, aimed at stepping up efforts to return the excess land.

B. Action taken by the General Assembly

16. On 11 December 1991, the General Assembly adopted resolution 46/68, of which part B, section VI, related to Guam. The Assembly, inter alia, noted that the second round of negotiations between the United States Government and the Government of Guam aimed at the transfer of land and facilities at the Agana Naval Air Station had commenced in July 1991. The Assembly called upon the administering Power to ensure that the presence of military bases and installations in Guam should not constitute an obstacle to the implementation of the Declaration or hinder the population from exercising its right to self-determination and independence in conformity with the purposes and principles of the Charter of the United Nations.

C. Position of the administering Power

17. In a statement to the Subcommittee on Small Territories at its 636th meeting, on 29 July 1991, the representative of the United States said that federal and military officials, including Mr. James A. Baker III, Secretary of State, Mr. Dick Chaney, Secretary of Defense and Mr. Edward J. Derwinski, Secretary, Veteran Affairs Department, had maintained a continuing dialogue with territorial leaders regarding the consolidation of military bases and the return of excess land. In addition, Mr. Richard Armitage, the official responsible for negotiations with the Philippines on the question of United States bases there, had met with Guamanian leaders on five occasions and briefed them on the possible impact on Guam of the expected closure of Clark Air Base by September 1992.

Notes

1/ United Nations press release, GA/COL/2833, 1 May 1992.

2/ 1990 Guam Annual Economic Review, pp. 32 and 102.

3/ The local currency is the United States dollar (US$).

4/ 1990 Guam Annual Economic Review, pp. 32 and 33.

5/ Pacific Daily News, 5 and 12 February 1992.

6/ Ibid., 10 June 1991.

7/ Ibid., 18 March 1992.

8/ Ibid., 1 January 1992.